

REMARKS

Applicant respectfully requests reconsideration and allowance of the above-captioned application. Claims 1-18 remain pending in the application. New claims 19 and 20 have been added by this amendment. Claims 13-15 have been amended to correct minor typographical errors.

Applicant notes with appreciation that the Examiner has withdrawn the restriction requirement of claims 1-18 made in the Office Action dated June 24, 2005.

An exemplary embodiment of Applicant's on-line shopping service encompassed by the independent claims is shown in Figure 2. The on-line shopping service shown in Figure 2 comprises a purchaser 200, a telephone shopping mall server 210 and a seller 230. In an alternative embodiment, a telephone company billing server 220 is also used. The user or purchaser 200 accesses the telephone shopping mall server 210 through a telephone network, and inputs a temporary password and purchase conditions and hangs up. Purchasing conditions can include information such as the name of an article, the class of an article and its price. The telephone shopping mall server 210 retrieves article information meeting the purchase conditions from a database.

The telephone shopping mall server 210 establishes a telephone connection with the purchaser and confirms the identity of the purchaser 200 using the temporary password. The telephone shopping mall server 210 then provides retrieved article information to the purchaser 200. After confirming that the purchaser 200 wants to complete the transaction, the telephone shopping mall

server 210 relays arranged transaction information to the actual seller 230, thereby acting as a purchase and sales agent.

In an alternative embodiment comprising the telephone company billing server 220, the charge for the purchase is processed through the telephone company billing server 220 to bill the purchase charge as a telephone charge, thereby providing a convenient payment method for the purchaser 200 and providing a reliable method for collecting a purchase charge to the seller 200.

In contrast, the system of Jalili begins with a customer pre-registering with a processing center. After pre-registering, the customer accesses a merchant's website through the Internet as illustrated in step 1 of the Figure. In step 2 of the Figure also performed over the Internet, the merchant accesses a processing center to deliver a purchase number. In the third step, customers access the processing center via the telephone and use a personal identification number (PIN) and, if the telephone number on file with the processing center does not match the telephone number detected by Caller ID, an operator will ask the customer for further identifying information. In the fourth step, upon recognizing the customer, the processing center will list all outstanding purchase numbers and give the customer the opportunity to make a selection and, thereby expressing intent to complete the sale.

In a second embodiment, Jalili discloses that step 3 comprises the step of the processing center initiating confirmation of the sale by sending an email message or replacing a telephone call to the customer upon receipt of the sale information from the merchant. Jalili discloses as additional security precautions, the processing

center can confirm to the customer by email or another channel that the customer's information has been sent to the merchant.

Claims 1-8 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Jalili (U.S. Patent No. 6,088,683) in view of Official Notice (regarding old and well-known in the arts hereinafter referred to as "ON1").

Claims 9-18 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Jalili (U.S. Patent No. 6,088,683) in view of ON1 (regarding old and well-known in the arts, and further in view of Official Notice (regarding old and well-known in the art hereinafter referred to as "ON2")).

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, the cited references must have some suggestion or motivation either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference must teach or suggest all of the claim limitations. *In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991).

On page 2 of the Office Action, claims 1-8 are rejected under 35 U.S.C. §103(a) as being unpatentable over Jalili in view of official notice (ON1).

It is respectfully submitted that Jalili does not disclose or suggest the step of retrieving article information by the online shopping service meeting the purchasing conditions received in step (a), after ending the telephone connection as recited in claim 1. In contrast, it is the merchant of Jalili's system that contacts the on-line

shopping service to forward the invoice or purchase number or other such identifier of the articles meeting the purchasing conditions provided by the user.

Typically, when official notice is taken at the onset of prosecution there must be some form of evidence in the record to support the Examiner's assertion of common knowledge. See *Lee*, 277 F.3d at 1344-45, 61 USPQ2d at 1434-45 (Fed. Cir. 2002); *Zurko*, 258 F.3d at 1386, 59 USPQ2d at 1697; and MPEP §2144.03 (B). Accordingly, the Examiner is respectfully requested to provide some form of evidence to support his assertion that it is common knowledge to use PINs as a temporary password.

Since a *prima facie* case of obviousness has not been made because neither Jalili nor the recitation of official notice disclose or suggest all of the claim limitations, it is therefore requested that the rejection of claims 1-8 be withdrawn based on the above remarks.

Regarding the 35 U.S.C. §103(a) rejections of claims 9-18 over Jalili and in view of official notice (ON1) and further in view of additional official notice (ON2), the Examiner is requested to provide evidence to support his assertion that it is well known for a telephone customer's telephone account to be charged for charges other than for calls made as a billing convenience, particularly for a system of online purchases.

As stated above, neither Jalili nor official notice ON1 or ON2 disclose or suggest the step of retrieving article information at the on-line shopping service meeting the purchasing condition received in step (a), after ending the telephone connection.

Therefore, the rejection of claims 9-12 is respectfully requested to be withdrawn because the Examiner has not made a *prima facie* case of obviousness due to the fact that the applied art does not teach or suggest all of the claim limitations.

Regarding independent claim 13, which is directed to a system for providing an on-line shopping service, the rejection of claims 9-18 does not address all of the features recited in the claim. For example, the feature of a telephone shopping service processor receiving a temporary password and purchasing conditions from the telephone network connector storing them in a database and retrieving article information meeting the purchasing conditions from the database after the telephone connection to the user ends, among other features, recited in the claim are not addressed in the rejection. In addition, Jalili does not disclose the telephone shopping server comprising a database or confirming the user using the temporary password, and arranging a transaction according to the user selection as recited in the claim. For, at least, these reasons, the rejection of claims 13-18 should be withdrawn.

Finally, Jalili does not disclose or suggest the purchasing conditions comprising at least an article name and price are received at the on-line processing center from the user as recited in new dependent claims 19 and 20.

According, since neither Jalili nor official notice (ON1 or ON2) disclose or suggest all of the features recited in claims 1-20, it is respectfully requested that the rejections of the claims be withdrawn. It is further submitted that the claims are in condition for allowance and notification to that effect is requested.

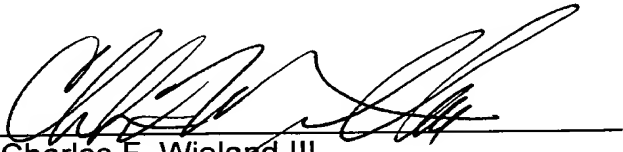
Should any questions arise in connection with this application, or should the Examiner believe a telephone conference would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL PC

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